

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRADLEY SMITH,

Plaintiff,

VS.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:13-cv-00039-RCJ-GWF

## ORDER

## Motion to Stay Discovery (#14)

This matter comes before the Court on Defendant United States of America's ("Defendant") Motion to Stay Discovery (#14), filed on July 11, 2013. Plaintiff's claims in this case involve allegations of adverse disciplinary actions and a hostile work environment while he was employed by the Department of Veterans Affairs. Defendant filed a Motion to Dismiss (#8) for lack of jurisdiction on May 22, 2013, arguing that Plaintiff's claims would properly have been brought before the Merit Systems Protection Board or the Equal Employment Opportunity Commission. The Motion to Dismiss (#8) has been fully briefed since July 1, 2013. *See Reply, Doc. #12*. Defendant now seeks to stay discovery in this case pending a decision on the Motion to Dismiss (#8). Under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. The time to oppose the instant Motion has expired, and no opposition has been filed. Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Stay Discovery (#14) is **granted**.

**IT IS FURTHER ORDERED** that discovery in this matter shall be stayed pending a decision on Defendant's Motion to Dismiss (#8).

• • •

1           **IT IS FURTHER ORDERED** that the stay imposed by this Order shall be automatically  
2 lifted upon the denial, in whole or in part, of Defendant's Motion to Dismiss (#8).

3           **IT IS FURTHER ORDERED** that the Parties shall file a status report regarding  
4 Defendant's Motion to Dismiss (#8) within six months of the date of this Order.

5           DATED this 13th day of August, 2013.

6  
7             
8           GEORGE FOLEY, JR.  
9           United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28